

111TH CONGRESS  
1ST SESSION

# S. 881

To provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. AKAKA, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Southeast Alaska Na-  
5       tive Land Entitlement Finalization Act”.

6       **SEC. 2. FINDINGS; PURPOSE.**

7       (a) FINDINGS.—Congress finds that—

8               (1)(A) in 1971, Congress enacted the Alaska  
9       Native Claims Settlement Act (43 U.S.C. 1601 et

1 seq.) to recognize and settle the aboriginal claims of  
2 Alaska Natives to land historically used by Alaska  
3 Natives for traditional, cultural, and spiritual pur-  
4 poses; and

5 (B) that Act declared that the land settlement  
6 “should be accomplished rapidly, with certainty, in  
7 conformity with the real economic and social needs  
8 of Natives”;

9 (2) the Alaska Native Claims Settlement Act  
10 (43 U.S.C. 1601 et seq.)—

11 (A) authorized the distribution of approxi-  
12 mately \$1,000,000,000 and 44,000,000 acres of  
13 land to Alaska Natives; and

14 (B) provided for the establishment of Na-  
15 tive Corporations to receive and manage the  
16 funds and that land to meet the cultural, social,  
17 and economic needs of Native shareholders;

18 (3) under section 12 of the Alaska Native  
19 Claims Settlement Act (43 U.S.C. 1611), each Re-  
20 gional Corporation, other than Sealaska Corporation  
21 (the Regional Corporation for southeast Alaska) (re-  
22 ferred to in this Act as “Sealaska”), was authorized  
23 to receive a share of land based on the proportion  
24 that the number of Alaska Native shareholders re-  
25 siding in the region of the Regional Corporation bore

1 to the total number of Alaska Native shareholders,  
2 or the relative size of the area to which the Regional  
3 Corporation had an aboriginal land claim bore to the  
4 size of the area to which all Regional Corporations  
5 had aboriginal land claims;

6 (4)(A) Sealaska, the Regional Corporation for  
7 southeast Alaska, 1 of the Regional Corporations  
8 with the largest number of Alaska Native share-  
9 holders, with more than 21 percent of all original  
10 Alaska Native shareholders, did not receive land  
11 under section 12 of the Alaska Native Claims Settle-  
12 ment Act (43 U.S.C. 1611);

13 (B) the Tlingit and Haida Indian Tribes of  
14 Alaska was 1 of the entities representing the Alaska  
15 Natives of southeast Alaska before the date of enact-  
16 ment of the Alaska Native Claims Settlement Act  
17 (43 U.S.C. 1601 et seq.); and

18 (C) Sealaska did not receive land in proportion  
19 to the number of Alaska Native shareholders, or in  
20 proportion to the size of the area to which Sealaska  
21 had an aboriginal land claim, in part because of a  
22 United States Court of Claims cash settlement to  
23 the Tlingit and Haida Indian Tribes of Alaska in  
24 1968 for land previously taken to create the Tongass

1 National Forest and Glacier Bay National Monu-  
2 ment;

3 (5) the Court of Claims cash settlement of  
4 \$7,500,000 did not—

5 (A) adequately compensate the Alaska Na-  
6 tives of southeast Alaska for the significant  
7 quantity of land and resources lost as a result  
8 of the creation of the Tongass National Forest  
9 and Glacier Bay National Monument or other  
10 losses of land and resources; or

11 (B) justify the significant disparate treat-  
12 ment of Sealaska under the Alaska Native  
13 Claims Settlement Act (43 U.S.C. 1611);

14 (6)(A) while each other Regional Corporation  
15 received a significant quantity of land under sections  
16 12 and 14 of the Alaska Native Claims Settlement  
17 Act (43 U.S.C. 1611, 1613), Sealaska only received  
18 land under section 14(h) of that Act (43 U.S.C.  
19 1613(h)), which provided a 2,000,000-acre land pool  
20 from which Alaska Native selections could be made  
21 for historic sites, cemetery sites, Urban Corporation  
22 land, Native group land, and Native Allotments;

23 (B) under section 14(h)(8) of that Act (43  
24 U.S.C. 1613(h)(8)), after selections are made under  
25 paragraphs (1) through (7) of that section, the land

1 remaining in the 2,000,000-acre land pool is allo-  
2 cated based on the proportion that the original Alas-  
3 ka Native shareholder population of a Regional Cor-  
4 poration bore to the original Alaska Native share-  
5 holder population of all Regional Corporations; and

6 (C) the only land entitlement of Sealaska de-  
7 rives from a proportion of leftover land remaining  
8 from the 2,000,000-acre land pool, estimated as of  
9 the date of enactment of this Act at approximately  
10 1,700,000 acres;

11 (7) despite the small land base of Sealaska as  
12 compared to other Regional Corporations (less than  
13 1 percent of the total quantity of land allocated pur-  
14 suant to the Alaska Native Claims Settlement Act  
15 (43 U.S.C. 1601 et seq.)), Sealaska has—

16 (A) provided considerable benefits to  
17 shareholders; and

18 (B) been a significant economic force in  
19 southeast Alaska;

20 (8) pursuant to the revenue sharing provisions  
21 of section 7(i) of the Alaska Native Claims Settle-  
22 ment Act (43 U.S.C. 1606(i)), Sealaska has distrib-  
23 uted more than \$300,000,000 during the period be-  
24 ginning on January 1, 1971, and ending on Decem-  
25 ber 31, 2005, to Native Corporations throughout the

1 State of Alaska from the development of natural re-  
2 sources, which accounts for 42 percent of the total  
3 revenues shared under that section during that pe-  
4 riod;

5 (9) as a result of the small land entitlement of  
6 Sealaska, it is critical that the remaining land enti-  
7 tlement conveyances to Sealaska under the Alaska  
8 Native Claims Settlement Act (43 U.S.C. 1601 et  
9 seq.) are fulfilled to continue to meet the economic,  
10 social, and cultural needs of the Alaska Native  
11 shareholders of southeast Alaska and the Alaska Na-  
12 tive community throughout Alaska;

13 (10)(A) the conveyance requirements of the  
14 Alaska Native Claims Settlement Act (43 U.S.C.  
15 1601 et seq.) for southeast Alaska limit the land eli-  
16 gible for conveyance to Sealaska to the original with-  
17 drawal areas surrounding 10 Alaska Native villages  
18 in southeast Alaska, which precludes Sealaska from  
19 selecting land located—

20 (i) in any withdrawal area established for  
21 the Urban Corporations for Sitka and Juneau,  
22 Alaska; or

23 (ii) outside the 10 Alaska Native village  
24 withdrawal areas; and

1           (B) unlike other Regional Corporations,  
2       Sealaska was not authorized to request land located  
3       outside the withdrawal areas described in subpara-  
4       graph (A) if the withdrawal areas were insufficient  
5       to complete the land entitlement of Sealaska under  
6       the Alaska Native Claims Settlement Act (43 U.S.C.  
7       1601 et seq.);

8           (11) 44 percent (820,000 acres) of the 10 Alas-  
9       ka Native village withdrawal areas established under  
10      the Alaska Native Claims Settlement Act (43 U.S.C.  
11      1601 et seq.) described in paragraph (10) are com-  
12      posed of salt water and not available for selection;

13           (12) of land subject to the selection rights of  
14      Sealaska, 110,000 acres are encumbered by guber-  
15      natorial consent requirements under the Alaska Na-  
16      tive Claims Settlement Act (43 U.S.C. 1601 et seq.);

17           (13) the Forest Service and the Bureau of  
18      Land Management grossly underestimated the land  
19      entitlement of Sealaska under the Alaska Native  
20      Claims Settlement Act (43 U.S.C. 1601 et seq.), re-  
21      sulting in an insufficient area from which Sealaska  
22      could select land suitable for traditional, cultural,  
23      and socioeconomic purposes to accomplish a settle-  
24      ment “in conformity with the real economic and so-  
25      cial needs of Natives”, as required under that Act;

1           (14) the 10 Alaska Native village withdrawal  
2       areas in southeast Alaska surround the Alaska Na-  
3       tive communities of Yakutat, Hoonah, Angoon,  
4       Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan,  
5       and Saxman;

6           (15) in each withdrawal area, there exist factors  
7       that limit the ability of Sealaska to select sufficient  
8       land, and, in particular, economically viable land, to  
9       fulfill the land entitlement of Sealaska, including  
10      factors such as—

11           (A) with respect to the Yakutat withdrawal  
12      area—

13           (i) 46 percent of the area is salt  
14      water;

15           (ii) 10 sections (6,400 acres) around  
16      the Situk Lake were restricted from selec-  
17      tion, with no consideration provided for the  
18      restriction; and

19           (iii)(I) 70,000 acres are subject to a  
20      gubernatorial consent requirement before  
21      selection; and

22           (II) Sealaska received no consider-  
23      ation with respect to the consent restric-  
24      tion;



1 (B) with respect to the Hoonah withdrawal  
2 area, 51 percent of the area is salt water;

3 (C) with respect to the Angoon withdrawal  
4 area—

5 (i) 120,000 acres of the area is salt  
6 water;

7 (ii) Sealaska received no consideration  
8 regarding the prohibition on selecting land  
9 from the 80,000 acres located within the  
10 Admiralty Island National Monument; and

11 (iii)(I) the Village Corporation for  
12 Angoon was allowed to select land located  
13 outside the withdrawal area on Prince of  
14 Wales Island, subject to the condition that  
15 the Village Corporation shall not select  
16 land located on Admiralty Island; but

17 (II) no alternative land adjacent to  
18 the out-of-withdrawal land of the Village  
19 Corporation was made available for selec-  
20 tion by Sealaska;

21 (D) with respect to the Kake withdrawal  
22 area—

23 (i) 64 percent of the area is salt  
24 water; and

1 (ii) extensive timber harvesting by the  
2 Forest Service occurred in the area before  
3 1971 that significantly reduced the value  
4 of land available for selection by, and con-  
5 veyance to, Sealaska;

6 (E) with respect to the Kasaan withdrawal  
7 area—

8 (i) 54 percent of the area is salt  
9 water; and

10 (ii) the Forest Service previously har-  
11 vested in the area;

12 (F) with respect to the Klawock with-  
13 drawal area—

14 (i) the area consists of only 5 town-  
15 ships, as compared to the usual withdrawal  
16 area of 9 townships, because of the prox-  
17 imity of the Klawock withdrawal area to  
18 the Village of Craig, which reduces the se-  
19 lection area by 92,160 acres; and

20 (ii) the Klawock and Craig withdrawal  
21 areas are 35 percent salt water;

22 (G) with respect to the Craig withdrawal  
23 area, the withdrawal area consists of only 6  
24 townships, as compared to the usual withdrawal  
25 area of 9 townships, because of the proximity of

1 the Craig withdrawal area to the Village of  
2 Klawock, which reduces the selection area by  
3 69,120 acres;

4 (H) with respect to the Hydaburg with-  
5 drawal area—

6 (i) 36 percent of the area is salt  
7 water; and

8 (ii) Sealaska received no consideration  
9 under the Haida Land Exchange Act of  
10 1986 (Public Law No. 99–664; 100 Stat.  
11 4303) for relinquishing selection rights to  
12 land within the withdrawal area that the  
13 Haida Corporation exchanged to the For-  
14 est Service;

15 (I) with respect to the Klukwan withdrawal  
16 area—

17 (i) 27 percent of the area is salt  
18 water; and

19 (ii) the withdrawal area is only 70,000  
20 acres, as compared to the usual withdrawal  
21 area of 207,360 acres, which reduces the  
22 selection area by 137,360 acres; and

23 (J) with respect to the Saxman withdrawal  
24 area—

1 (i) 29 percent of the area is salt  
2 water;

3 (ii) Sealaska received no consideration  
4 for the 50,576 acres within the withdrawal  
5 area adjacent to the first-class city of  
6 Ketchikan that were excluded from selec-  
7 tion;

8 (iii) Sealaska received no consider-  
9 ation with respect to the 1977 amendment  
10 to the Alaska Native Claims Settlement  
11 Act (43 U.S.C. 1601 et seq.) requiring gu-  
12 bernatorial consent for selection of 58,000  
13 acres in that area; and

14 (iv) 23,888 acres are located within  
15 the Annette Island Indian Reservation for  
16 the Metlakatla Indian Tribe and are not  
17 available for selection;

18 (16) the selection limitations and guidelines ap-  
19 plicable to Sealaska under the Alaska Native Claims  
20 Settlement Act (43 U.S.C. 1601 et seq.)—

21 (A) are inequitable and inconsistent with  
22 the purposes of that Act because there is insuf-  
23 ficient land remaining in the withdrawal areas  
24 to meet the traditional, cultural, and socio-

1 economic needs of the shareholders of Sealaska;  
2 and

3 (B) make it difficult for Sealaska to se-  
4 lect—

5 (i) places of sacred, cultural, tradi-  
6 tional, and historical significance; and

7 (ii) Alaska Native futures sites located  
8 outside the withdrawal areas of Sealaska;

9 (17)(A) the deadline for applications for selec-  
10 tion of cemetery sites and historic places on land  
11 outside withdrawal areas established under section  
12 14 of the Alaska Native Claims Settlement Act (43  
13 U.S.C. 1613) was July 1, 1976;

14 (B)(i) as of that date, the Bureau of Land  
15 Management notified Sealaska that the total entitle-  
16 ment of Sealaska would be approximately 200,000  
17 acres; and

18 (ii) Sealaska made entitlement allocation deci-  
19 sions for cultural sites and economic development  
20 sites based on that original estimate;

21 (C) as a result of the Alaska Land Transfer Ac-  
22 celeration Act (Public Law 108–452; 118 Stat.  
23 3575) and subsequent related determinations and  
24 actions of the Bureau of Land Management,  
25 Sealaska will receive significantly more than

1       200,000 acres pursuant to the Alaska Native Claims  
2       Settlement Act (43 U.S.C. 1601 et seq.);

3           (D) Sealaska would prefer to allocate more of  
4       the entitlement of Sealaska to the acquisition of  
5       places of sacred, cultural, traditional, and historical  
6       significance; and

7           (E)(i) pursuant to section 11(a)(1) of the Alas-  
8       ka Native Claims Settlement Act (43 U.S.C.  
9       1610(a)(1)), Sealaska was not authorized to select  
10      under section 14(h)(1) of that Act (43 U.S.C.  
11      1613(h)(1)) any site within Glacier Bay National  
12      Park, despite the abundance of cultural sites within  
13      that Park;

14          (ii) Sealaska seeks cooperative agreements to  
15      ensure that sites within Glacier Bay National Park  
16      are subject to cooperative management by Sealaska,  
17      Village and Urban Corporations, and federally recog-  
18      nized tribes with ties to the cultural sites and his-  
19      tory of the Park; and

20          (iii) Congress—

21           (I) recognizes the existence of a memo-  
22      randum of understanding between the National  
23      Park Service and the Hoonah Indian Associa-  
24      tion;

1 (II) does not intend to circumvent that  
2 memorandum of understanding; and

3 (III) intends to ensure that the memo-  
4 randum of understanding and similar mecha-  
5 nisms for cooperative management in Glacier  
6 Bay are required by law;

7 (18)(A) the cemetery sites and historic places  
8 conveyed to Sealaska pursuant to section 14(h)(1) of  
9 the Alaska Native Claims Settlement Act (43 U.S.C.  
10 1613(h)(1)) are subject to a restrictive covenant not  
11 required by law that does not allow any type of man-  
12 agement or use that would in any way alter the his-  
13 toric nature of a site, even for cultural education or  
14 research purposes;

15 (B) historic sites managed by the Forest Serv-  
16 ice are not subject to the limitations referred to in  
17 subparagraph (A); and

18 (C) those limitations hinder the ability of  
19 Sealaska to use the sites for cultural, educational, or  
20 research purposes for Alaska Natives and others;

21 (19) unless Sealaska is allowed to select land  
22 outside designated withdrawal areas in southeast  
23 Alaska, Sealaska will not be able—

24 (A) to complete the land entitlement selec-  
25 tions of Sealaska under the Alaska Native

1 Claims Settlement Act (43 U.S.C. 1601 et  
2 seq.);

3 (B) to secure ownership of places of sa-  
4 cred, cultural, traditional, and historical impor-  
5 tance to the Alaska Natives of southeast Alas-  
6 ka;

7 (C) to maintain the existing resource devel-  
8 opment and management operations of  
9 Sealaska; or

10 (D) to provide continued economic oppor-  
11 tunities for Alaska Natives in southeast Alaska;

12 (20) in order to realize cultural preservation  
13 goals while also diversifying economic opportunities,  
14 Sealaska should be authorized to select and receive  
15 conveyance of—

16 (A) sacred, cultural, traditional, and his-  
17 toric sites and other places of traditional cul-  
18 tural significance, including traditional and cus-  
19 tomary trade and migration routes, to facilitate  
20 the perpetuation and preservation of Alaska  
21 Native culture and history; and

22 (B) Alaska Native future sites to facilitate  
23 appropriate tourism and outdoor recreation en-  
24 terprises;



1           (21) Sealaska has played, and is expected to  
2           continue to play, a significant role in the health of  
3           the southeast Alaska economy;

4           (22)(A) the rate of unemployment in southeast  
5           Alaska exceeds the statewide rate of unemployment  
6           on a non-seasonally adjusted basis; and

7           (B) in January 2008, the Alaska Department  
8           of Labor and Workforce Development reported the  
9           unemployment rate for the Prince of Wales-Outer  
10          Ketchikan census area at 20 percent;

11          (23) many southeast Alaska communities—

12                 (A) are dependent on high-cost diesel fuel  
13                 for the generation of energy; and

14                 (B) desire to diversify their energy supplies  
15                 with wood biomass alternative fuel and other  
16                 renewable and alternative fuel sources;

17          (24) if the resource development operations of  
18          Sealaska cease on land appropriate for those oper-  
19          ations, there will be a significant negative impact  
20          on—

21                 (A) southeast Alaska Native shareholders;

22                 (B) the cultural preservation activities of  
23          Sealaska;

24                 (C) the economy of southeast Alaska; and

1 (D) the Alaska Native community that  
 2 benefits from the revenue-sharing requirements  
 3 under the Alaska Native Claims Settlement Act  
 4 (43 U.S.C. 1601 et seq.); and

5 (25) on completion of the conveyances of land  
 6 to Sealaska to fulfill the full land entitlement of  
 7 Sealaska under the Alaska Native Claims Settlement  
 8 Act (43 U.S.C. 1601 et seq.), the encumbrances on  
 9 327,000 acres of Federal land created by the with-  
 10 drawal of land for selection by Native Corporations  
 11 in southeast Alaska would be removed, which will fa-  
 12 cilitate thorough and complete planning and efficient  
 13 management relating to national forest land in  
 14 southeast Alaska by the Forest Service.

15 (b) PURPOSE.—The purpose of this Act is to address  
 16 the inequitable treatment of Sealaska by allowing Sealaska  
 17 to select the remaining land entitlement of Sealaska under  
 18 section 14 of the Alaska Native Claims Settlement Act (43  
 19 U.S.C. 1613) from designated Federal land in southeast  
 20 Alaska located outside the 10 southeast Alaska Native vil-  
 21 lage withdrawal areas.

22 **SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.**

23 (a) SELECTION BY SEALASKA.—

24 (1) IN GENERAL.—Notwithstanding section  
 25 14(h)(8)(B) of the Alaska Native Claims Settlement

1 Act (43 U.S.C. 1613(h)(8)(B)), Sealaska is author-  
 2 ized to select and receive conveyance of the remain-  
 3 ing land entitlement of Sealaska under that Act (43  
 4 U.S.C. 1601 et seq.) from Federal land located in  
 5 southeast Alaska from each category described in  
 6 subsection (b).

7 (2) NATIONAL PARK SERVICE.—The National  
 8 Park Service is authorized to enter into a coopera-  
 9 tive management agreement described in subsection  
 10 (c)(2) for the purpose, in part, of recognizing and  
 11 perpetuating the values of the National Park Serv-  
 12 ice, including those values associated with the  
 13 Tlingit homeland and culture, wilderness, and eco-  
 14 logical preservation.

15 (b) CATEGORIES.—The categories referred to in sub-  
 16 section (a) are the following:

17 (1)(A) Economic development land from the  
 18 area of land identified on the map entitled “Sealaska  
 19 ANCSA Land Entitlement Rationalization Pool”,  
 20 dated March 9, 2009, and labeled “Attachment A”.

21 (B) A nonexclusive easement to Sealaska to  
 22 allow—

23 (i) access on the forest development road  
 24 and use of the log transfer site identified in  
 25 paragraphs (3)(c) and (3)(d) of the patent

1           numbered 50–85–0112 and dated January 4,  
2           1985;

3           (ii) access on the forest development road  
4           identified in paragraphs (2)(a) and (2)(b) of  
5           the patent numbered 50–92–0203 and dated  
6           February 24, 1992; and

7           (iii) access on the forest development road  
8           identified in paragraph (2)(a) of the patent  
9           numbered 50–94–0046 and dated December 17,  
10          1993.

11          (2) Sites with sacred, cultural, traditional, or  
12          historic significance, including traditional and cus-  
13          tomary trade and migration routes, archeological  
14          sites, cultural landscapes, and natural features hav-  
15          ing cultural significance, subject to the condition  
16          that—

17                (A) not more than 2,400 acres shall be se-  
18                lected for this purpose, from land identified  
19                on—

20                   (i) the map entitled “Places of Sa-  
21                   cred, Cultural, Traditional and Historic  
22                   Significance”, dated March 9, 2009, and  
23                   labeled “Attachment B”; and

24                   (ii) the map entitled “Traditional and  
25                   Customary Trade and Migration Routes”,

1           dated March 9, 2009, and labeled “Attach-  
2           ment C”, which includes an identification  
3           of—

4                   (I) a conveyance of land 25 feet  
5                   in width, together with 1-acre sites at  
6                   each terminus and at 8 locations  
7                   along the route, with the route, loca-  
8                   tion, and boundaries of the convey-  
9                   ance described on the map inset enti-  
10                  tled “Yakutat to Dry Bay Trade and  
11                  Migration Route”, dated March 9,  
12                  2009, and labeled “Attachment C”;

13                  (II) a conveyance of land 25 feet  
14                  in width, together with 1-acre sites at  
15                  each terminus, with the route, loca-  
16                  tion, and boundaries of the convey-  
17                  ance described on the map inset enti-  
18                  tled “Bay of Pillars to Port Camden  
19                  Trade and Migration Route”, dated  
20                  March 9, 2009, and labeled “Attach-  
21                  ment C”; and

22                  (III) a conveyance of land 25 feet  
23                  in width, together with 1-acre sites at  
24                  each terminus, with the route, loca-  
25                  tion, and boundaries of the convey-

1                   ance described on the map inset enti-  
 2                   tled “Portage Bay to Duncan Canal  
 3                   Trade and Migration Route,” dated  
 4                   March 9, 2009, and labeled “Attach-  
 5                   ment C”; and

6                   (B) an additional 1,200 acres may be used  
 7                   by Sealaska to acquire places of sacred, cul-  
 8                   tural, traditional, and historic significance, ar-  
 9                   cheological sites, traditional, and customary  
 10                  trade and migration routes, and other sites with  
 11                  scientific value that advance the understanding  
 12                  and protection of Alaska Native culture and  
 13                  heritage that—

14                   (i) as of the date of enactment of this  
 15                   Act, are not fully identified or adequately  
 16                   documented for cultural significance; and

17                   (ii) are located outside of a unit of the  
 18                  National Park System.

19                  (3) Alaska Native futures sites with traditional  
 20                  and recreational use value, as identified on the map  
 21                  entitled “Native Futures Sites”, dated March 9,  
 22                  2009, and labeled “Attachment D”, subject to the  
 23                  condition that not more than 5,000 acres shall be se-  
 24                  lected for those purposes.

25                  (c) SITES IN CONSERVATION SYSTEM UNITS.—

1           (1) IN GENERAL.—No site with sacred, cul-  
 2           tural, traditional, or historic significance that is  
 3           identified in the document labeled “Attachment B”  
 4           and located within a unit of the National Park Sys-  
 5           tem shall be conveyed to Sealaska pursuant to this  
 6           Act.

7           (2) COOPERATIVE AGREEMENTS.—

8                 (A) IN GENERAL.—The Director of the  
 9           National Park Service shall offer to enter into  
 10          a cooperative management agreement with  
 11          Sealaska, other Village Corporations and Urban  
 12          Corporations, and federally recognized Indian  
 13          tribes with cultural and historical ties to Glacier  
 14          Bay National Park, in accordance with the re-  
 15          quirements of subparagraph (B).

16                (B) REQUIREMENTS.—A cooperative  
 17          agreement under this paragraph shall—

18                         (i) recognize the contributions of the  
 19                         Alaska Natives of southeast Alaska to the  
 20                         history, culture, and ecology of Glacier Bay  
 21                         National Park and the surrounding area;

22                         (ii) ensure that the resources within  
 23                         the Park are protected and enhanced by  
 24                         cooperative activities and partnerships  
 25                         among federally recognized Indian tribes,

1 Village Corporations and Urban Corpora-  
2 tions, Sealaska, and the National Park  
3 Service;

4 (iii) provide opportunities for a richer  
5 visitor experience at the Park through di-  
6 rect interactions between visitors and Alas-  
7 ka Natives, including guided tours, inter-  
8 pretation, and the establishment of cul-  
9 turally relevant visitor sites; and

10 (iv) provide appropriate opportunities  
11 for ecologically sustainable visitor-related  
12 education and cultural interpretation with-  
13 in the Park—

14 (I) in a manner that is not in  
15 derogation of the purposes and values  
16 of the Park (including those values  
17 associated with the Park as a Tlingit  
18 homeland); and

19 (II) in a manner consistent with  
20 wilderness and ecological preservation.

21 (C) REPORT.—Not later than 2 years after  
22 the date of enactment of this Act, the Director  
23 of the National Park Service shall submit to  
24 Congress a report describing each activity for  
25 cooperative management of each site described



1 in subparagraph (A) carried out under a coop-  
2 erative agreement under this paragraph.

3 **SEC. 4. CONVEYANCES TO SEALASKA.**

4 (a) TIMELINE FOR CONVEYANCE.—

5 (1) IN GENERAL.—Not later than 1 year after  
6 the date of selection of land by Sealaska under para-  
7 graphs (1) and (3) of section 3(b), the Secretary of  
8 the Interior (referred to in this Act as the “Sec-  
9 retary”) shall complete the conveyance of the land to  
10 Sealaska.

11 (2) SIGNIFICANT SITES.—Not later than 2  
12 years after the date of selection of land by Sealaska  
13 under section 3(b)(2), the Secretary shall complete  
14 the conveyance of the land to Sealaska.

15 (b) EXPIRATION OF WITHDRAWALS.—On completion  
16 of the selection by Sealaska and the conveyances to  
17 Sealaska of land under subsection (a) in a manner that  
18 is sufficient to fulfill the land entitlement of Sealaska  
19 under the Alaska Native Claims Settlement Act (43  
20 U.S.C. 1601 et seq.)—

21 (1) the original withdrawal areas set aside for  
22 selection by Native Corporations in southeast Alaska  
23 under that Act (as in effect on the day before the  
24 date of enactment of this Act) shall be rescinded;  
25 and

1           (2) land located within a withdrawal area that  
 2           is not conveyed to a southeast Alaska Regional Cor-  
 3           poration or Village Corporation shall be returned to  
 4           the unencumbered management of the Forest Serv-  
 5           ice as a part of the Tongass National Forest.

6           (c) LIMITATION.—Sealaska shall not select or receive  
 7           under this Act any conveyance of land pursuant to para-  
 8           graph (1) or (3) of section 3(b) located within—

- 9           (1) any conservation system unit;
- 10          (2) any federally designated wilderness area; or
- 11          (3) any land use designation I or II area.

12          (d) APPLICABLE EASEMENTS AND PUBLIC AC-  
 13          CESS.—

14           (1) IN GENERAL.—The conveyance to Sealaska  
 15           of land pursuant to paragraphs (1) and (2)(A)(ii) of  
 16           section 3(b) that is located outside a withdrawal  
 17           area designated under section 16(a) of the Alaska  
 18           Native Claims Settlement Act (43 U.S.C. 1615(a))  
 19           shall be subject to—

20           (A) a reservation for easements for public  
 21           access on the public roads depicted on the docu-  
 22           ment labeled “Attachment E” and dated March  
 23           9, 2009;

24           (B) a reservation for easements along the  
 25           temporary roads designated by the Forest Serv-

1 ice as of the date of enactment of this Act for  
2 the public access trails depicted on the docu-  
3 ment labeled “Attachment E” and dated March  
4 9, 2009;

5 (C) any valid pre-existing right reserved  
6 pursuant to section 14(g) or 17(b) of the Alas-  
7 ka Native Claims Settlement Act (43 U.S.C.  
8 1613(g), 1616(b)); and

9 (D)(i) the right of noncommercial public  
10 access for subsistence uses, consistent with title  
11 VIII of the Alaska National Interest Lands  
12 Conservation Act (16 U.S.C. 3111 et seq.), and  
13 recreational access without liability to Sealaska;  
14 and

15 (ii) the right of Sealaska to regulate access  
16 for public safety, cultural, or scientific pur-  
17 poses, environmental protection, and uses in-  
18 compatible with natural resource development,  
19 subject to the condition that Sealaska shall post  
20 on any applicable property, in accordance with  
21 State law, notices of any such condition.

22 (2) EFFECT.—No right of access provided to  
23 any individual or entity (other than Sealaska) by  
24 this subsection—

1 (A) creates any interest of such an indi-  
 2 vidual or entity in the land conveyed to  
 3 Sealaska in excess of that right of access; or

4 (B) provides standing in any review of, or  
 5 challenge to, any determination by Sealaska re-  
 6 garding the management or development of the  
 7 applicable land.

8 (e) CONDITIONS ON SACRED, CULTURAL, AND HIS-  
 9 TORIC SITES.—The conveyance to Sealaska of land se-  
 10 lected pursuant to section 3(b)(2)—

11 (1) shall be subject to a covenant prohibiting  
 12 any commercial timber harvest or mineral develop-  
 13 ment on the land;

14 (2) shall not be subject to any additional re-  
 15 strictive covenant based on cultural or historic val-  
 16 ues, or any other restriction, encumbrance, or ease-  
 17 ment, except as provided in sections 14(g) and 17(b)  
 18 of the Alaska Native Claims Settlement Act (43  
 19 U.S.C. 1613(g), 1616(b)); and

20 (3) shall allow use of the land as described in  
 21 subsection (f).

22 (f) USES OF SACRED, CULTURAL, TRADITIONAL,  
 23 AND HISTORIC SITES.—Any sacred, cultural, traditional,  
 24 or historic site or trade or migration route conveyed pur-  
 25 suant to this Act may be used for—

1           (1) preservation of cultural knowledge and tra-  
2           ditions associated with such a site;

3           (2) historical, cultural, and scientific research  
4           and education;

5           (3) public interpretation and education regard-  
6           ing the cultural significance of those sites to Alaska  
7           Natives;

8           (4) protection and management of the site to  
9           preserve the natural and cultural features of the  
10          site, including cultural traditions, values, songs, sto-  
11          ries, names, crests, and clan usage, for the benefit  
12          of future generations; and

13          (5) site improvement activities for any purpose  
14          described in paragraphs (1) through (4), subject to  
15          the condition that the activities are consistent with  
16          the sacred, cultural, traditional, or historic nature of  
17          the site.

18          (g) TERMINATION OF RESTRICTIVE COVENANTS.—

19           (1) IN GENERAL.—Each restrictive covenant re-  
20          garding cultural or historical values with respect to  
21          any interim conveyance or patent for a historic or  
22          cemetery site issued to Sealaska pursuant to the reg-  
23          ulations contained in sections 2653.3 and 2653.11 of  
24          title 43, Code of Federal Regulations (as in effect on  
25          the date of enactment of this Act), in accordance

1 with section 14(h)(1) of the Alaska Native Claims  
 2 Settlement Act (43 U.S.C. 1613(h)), terminates on  
 3 the date of enactment of this Act.

4 (2) REMAINING CONDITIONS.—Land subject to  
 5 a covenant described in paragraph (1) on the day  
 6 before the date of enactment of this Act shall be  
 7 subject to the conditions described in subsection (e).

8 (3) RECORDS.—Sealaska shall be responsible  
 9 for recording with the land title recorders office of  
 10 the State of Alaska any modification to an existing  
 11 conveyance of land under section 14(h)(1) of the  
 12 Alaska Native Claims Settlement Act (43 U.S.C.  
 13 1613(h)(1)) as a result of this Act.

14 (h) CONDITIONS ON ALASKA NATIVE FUTURES  
 15 LAND.—Each conveyance of land to Sealaska selected  
 16 under section 3(b)(3) shall be subject only to—

17 (1) a covenant prohibiting any commercial tim-  
 18 ber harvest or mineral development; and

19 (2) the restrictive covenants, encumbrances, or  
 20 easements under sections 14(g) and 17(b) of the  
 21 Alaska Native Claims Settlement Act (43 U.S.C.  
 22 1613(g), 1616(b)).

## 23 **SEC. 5. MISCELLANEOUS.**

24 (a) STATUS OF CONVEYED LAND.—Each conveyance  
 25 of Federal land to Sealaska pursuant to this Act, and each

1 action carried out to achieve the purpose of this Act, shall  
 2 be considered to be conveyed or acted on, as applicable,  
 3 pursuant to the Alaska Native Claims Settlement Act (43  
 4 U.S.C. 1601 et seq.).

5 (b) ENVIRONMENTAL MITIGATION AND INCEN-  
 6 TIVES.—Notwithstanding subsection (e) and (h) of section  
 7 4, all land conveyed to Sealaska pursuant to the Alaska  
 8 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)  
 9 and this Act shall be considered to be qualified to receive  
 10 or participate in, as applicable—

11 (1) any federally authorized carbon sequestra-  
 12 tion program, ecological services program, or envi-  
 13 ronmental mitigation credit; and

14 (2) any other federally authorized environ-  
 15 mental incentive credit or program.

16 (c) NO MATERIAL EFFECT ON FOREST PLAN.—

17 (1) IN GENERAL.—The implementation of this  
 18 Act, including the conveyance of land to Sealaska,  
 19 alone or in combination with any other factor, shall  
 20 not require an amendment of, or revision to, the  
 21 Tongass National Forest Land and Resources Man-  
 22 agement Plan before the first revision of that Plan  
 23 scheduled to occur after the date of enactment of  
 24 this Act.

1           (2) BOUNDARY ADJUSTMENTS.—The Secretary  
 2       of Agriculture shall implement any land ownership  
 3       boundary adjustments to the Tongass National For-  
 4       est Land and Resources Management Plan resulting  
 5       from the implementation of this Act through a tech-  
 6       nical amendment to that Plan.

7       (d) NO EFFECT ON EXISTING INSTRUMENTS,  
 8 PROJECTS, OR ACTIVITIES.—

9           (1) IN GENERAL.—Nothing in this Act or the  
 10      implementation of this Act revokes, suspends, or  
 11      modifies any permit, contract, or other legal instru-  
 12      ment for the occupancy or use of Tongass National  
 13      Forest land, or any determination relating to a  
 14      project or activity that authorizes that occupancy or  
 15      use, that is in effect on the day before the date of  
 16      enactment of this Act.

17          (2) TREATMENT.—The conveyance of land to  
 18      Sealaska pursuant to this Act shall be subject to the  
 19      instruments and determinations described in para-  
 20      graph (1) to the extent that those instruments and  
 21      determinations authorize occupancy or use of the  
 22      land so conveyed.

23      (e) TECHNICAL CORRECTIONS.—



1           (1) TRIBAL FOREST PROTECTION.—Section  
 2           2(a)(2) of the Tribal Forest Protection Act of 2004  
 3           (25 U.S.C. 3115a(a)(2)) is amended—

4                   (A) in subparagraph (A), by inserting “, or  
 5           is conveyed to an Alaska Native Corporation  
 6           pursuant to the Alaska Native Claims Settle-  
 7           ment Act (43 U.S.C. 1601 et seq.)” before the  
 8           semicolon; and

9                   (B) in subparagraph (B)(i)—

10                       (i) in subclause (I), by striking “or”  
 11                       at the end; and

12                       (ii) by adding at the end the fol-  
 13                       lowing:

14                               “(III) is owned by an Alaska Na-  
 15                               tive Corporation established pursuant  
 16                               to the Alaska Native Claims Settle-  
 17                               ment Act (43 U.S.C. 1601 et seq.)  
 18                               and is forest land or formerly had a  
 19                               forest cover or vegetative cover that is  
 20                               capable of restoration; or”.

21           (2) NATIONAL HISTORIC PRESERVATION.—Sec-  
 22           tion 301 of the National Historic Preservation Act  
 23           (16 U.S.C. 470w) is amended by striking paragraph  
 24           (14) and inserting the following:

25                       “(14)(A) ‘Tribal lands’ means—

1           “(i) all land within the exterior boundaries  
2           of any Indian reservation;

3           “(ii) all dependent Indian communities;  
4           and

5           “(iii) land held by an incorporated Alaska  
6           Native group, a Regional Corporation, or a Vil-  
7           lage Corporation pursuant to the Alaska Native  
8           Claims Settlement Act (43 U.S.C. 1601 et  
9           seq.).

10          “(B) Nothing in this paragraph validates, in-  
11          validates, or otherwise affects any claim regarding  
12          the existence of Indian country (as defined in section  
13          1151 of title 18, United States Code) in the State  
14          of Alaska.”.

15   **SEC. 6. MAPS.**

16          (a) AVAILABILITY.—Each map referred to in this Act  
17          shall be maintained on file in—

18                 (1) the office of the Chief of the Forest Service;  
19          and

20                 (2) the office of the Secretary.

21          (b) CORRECTIONS.—The Secretary or the Chief of  
22          the Forest Service may make any necessary correction to  
23          a clerical or typographical error in a map referred to in  
24          this Act.

1       (c) TREATMENT.—No map referred to in this Act  
2 shall be considered to be an attempt by the Federal Gov-  
3 ernment to convey any State or private land.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5       There are authorized to be appropriated such sums  
6 as are necessary to carry out this Act and the amendments  
7 made by this Act.

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